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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,039	09/07/2000	Christopher Lee Tobey	JP920000169US1	1586
30449	7590	02/24/2005	EXAMINER	
SCHMEISER, OLSEN + WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110			BLECK, CAROLYN M	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/657,039

Applicant(s)

TOBEY, CHRISTOPHER LEE

Examiner

Carolyn M. Bleck

Art Unit

3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1,3,4,7-10,13,15,16,18,20-22 and 24-41.

Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 7:

Claims 15 and 20 have been amended to make them dependent on claims 13 and 20. These amendments do not change the scope of the claims nor the way they were interpreted by the Examiner. As such, these claims are rejected for the same reasons given in the previous Office Action (11/22/2004).

Continuation of 11:

Applicant's arguments filed 25 January 2004 have been fully considered, and they are not persuasive,

Applicant argues that the prior art fails to teach the feature: "each asset of said assets being independently selected from the group consisting of a computer hardware asset and a computer software asset." Maynard discloses the asset being a computer network asset (reads on "computer hardware") including work stations, monitors, and printers, and an asset being pre-loaded software (col. 1 lines 59-65). The Examiner respectfully submits that this portion of Maynard teaches Applicant's claimed invention.

Applicant argues that the prior art fails to teach the feature: "said asset being moveable between a plurality of sites only by being routed through said central site and not being moveable directly from a first site to a second site of the plurality of sites." The Examiner respectfully submits that Applicant's "central site" is being interpreted as the terminal in Bridges (col. 5 lines 43-55). A book in Bridges is being interpreted as an asset (col. 5 lines 43-55). A patron then scans the bar code on the book to deactivate the bar code, and the book is then charged to the patron (interpreted as a "first site") (col. 5 line 43 to col. 6 line 32). When the patron returns the book, the bar code is reactivated, and another patron could take the book out (col. 6 lines 25-32). In this explanation provided by the Examiner, it is noted that a book is not transferable between two patrons because between each transaction the bar code needs to be reactivated by a terminal (reads on "central site.")

Applicant argues that the prior art fails to teach the feature: "recording the intended destination site in said database; and verifying entry of the asset at the destination site, being a new current location, in said database." The Examiner has provided a disclosure within the prior art of Sims and Bates. Sims discloses when moving a device, detecting an event such as a disconnection of a tag from a link and reporting and entering the event, i.e., the removal of the device from the communication link in its current location, into the database (Fig. 7-10, col. 9 line 35 to col. 10 line 53) (reads on "on movement of a said asset, recording exit of the asset from the current location"); and detecting an event such as a connection of a tag to a link and reporting and entering the event, i.e., the addition of the device to the communication link in its current location, into the database (Fig. 7-10, col. 9 line 35 to col. 10 line 53). Sims fails to expressly disclose recording the intended destination site in said database and verifying entry of the asset at the destination site, being the new current location, in said database. Bates discloses storing in memory a desired geographical location (reads on "recording the intended destination site") and comparing the stored geographical location to a respective determined geographical location to determine whether cargo (reads on "asset") falls within the desired geographical location, wherein the respective determined geographical location is stored in memory (Fig. 7-8, col. 1 lines 35-46, col. 1 line 65 to col. 2 line 7, col. 2 lines 19-40, col. 4 lines 3-63, col. 5 lines 43-55). The teachings of a database are disclosed by Sims, and are discussed above. The Examiner respectfully submits that Bates disclosure of storing in memory a desired geographical location along with Sims disclosure of a database is a form of "being a new current location" in the database. Because the desired location is stored in memory, this is interpreted as "being a new current location."

Applicant argues that the prior art fails to teach the feature: "recording the location of said asset with respect to said central site in an electronic database; and on each movement of said asset." The Examiner interpreted the claim to read "and on each movement of said asset" perform the series of steps listed after the colon, which include "recording exit of the asset from the current site in the database; recording an intended destination site in said database; and verifying entry of the at the destination site, being a new current location, in said database." Examiner has provided prior art which discloses these features.